



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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MAR 25 2003

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C/O ANTHONY CASTORINA
ARLINGTON VA 22202

#13

In re Application of
Sylvie Luria
Serial No.: 09/449,532 : WITHDRAWAL OF ABANDONMENT
Filed: November 29, 1999
Attorney Docket No.: 00/20820 :

This is in response to applicants' petition under 37 CFR 1.181, filed January 29, 2003, requesting revival of the above-identified application based on non-receipt of an Office action.

A review of the file history shows the examiner mailed an Office action to applicants on October 25, 2000, setting a three month shortened statutory period for reply, at the above address, Mark Friedman being the formal addressee in care of Anthony Castorina. No reply was filed. On May 23, 2001, a change of power of attorney was accepted appointing Sol Scheinbein as the attorney of record at the same address. A Notice of Abandonment was mailed to applicants at the same address on June 4, 2001. Approximately nine months later affidavits of non-receipt were prepared by Mark Friedman (2/26/02), Anthony Castorina (2/28/02) and this petition by Sol Scheinbein (3/01/02) ("(" indicates date on signed items). This petition was then filed on January 29, 2003, approximately eleven months after the letter and affidavits were signed without explanation as to the cause of the delay. Thus more than 18 months have elapsed since applicant was notified of the abandoned status of this application. 37 CFR 1.181(f) states that petitions complaining of an examiner's action (in this case abandonment of the application) must be filed within two months of the action complained of, and that this time period may not be extended. Clearly this petition was filed long after the two month time period from notification of the abandoned status of this application without explanation of the delay.

Applicants' petition is **DISMISSED**.

Any renewed petition must be filed within TWO MONTHS of the mail date of this decision in order to be considered timely. Any renewed petition must explain the delay in filing of the petition. It is likely that a renewed petition may have to be filed under 37 CFR 1.137(b), depending on the circumstances surrounding the delay. A copy of the non-received Office action is included with this decision for applicant's convenience.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.



Jasemine C. Chambers
Director, Technology Center 1600